

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
GARDEN CITY BOXING CLUB, INC.

Plaintiff

07 CV 8079

-AGAINST-

6025 BROADWAY RESTAURANT CORP.
d/b/a SANTA FE GRILL
and EFRAIN FARCIERT

AFFIDAVIT FOR JUDGMENT
BY DEFAULT

Defendant

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiffs application for the entry of a default judgment against defendant.

2. This is an action to recover the unauthorized exhibition of the telecast of the September 18, 2004, boxing match between Oscar De La Hoya and Bernard Hopkins by the defendant. See attached summons and complaint attached hereto as Exhibit "A".

3. This action was commenced on September 14, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendants 6025 Broadway Restaurant Corp. d/b/a Santa Fe Grill and Efrain Farciert on October 10, 2007 by service on

“Jane” Berito, co-worker. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from September 18, 2004, amounting to \$6,450.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$26,920.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York
April 3, 2008

/s/ Paul J. Hooten
Paul J. Hooten (PJH9510)

Sworn to before me this
3rd day of April, 2008

/s/ Cheryl E. Lorefice
Notary Public

Cheryl E. Lorefice
Notary Public, State of New York
No. 4999823
Qualified in Suffolk County
Commission Expires August 3, 2010

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STATEMENT OF DAMAGES

Defendant
-----X

Amount of judgment \$20,000.00

Interest at 9% from November 27, 2004 0through April, 2008 \$ 6,450.00

Costs and Disbursements:

Clerk's fee \$ 350.00
Process Server fee for service \$ 120.00

Total as of April 2008..... \$26,920.00

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CERTIFICATE OF SERVICE

Defendant

-----X

I certify that a copy of the Default Judgment, Affidavit for Judgment by Default, and
Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail,
addressed to the following on April 3, 2008:

6025 Broadway Restaurant Corp.
d/b/a Santa Fe Grill
6025 Broadway
Bronx, NY 10471

Efrain Farciert
6025 Broadway
Bronx, NY 10471

By: /s/ Paul J. Hooten
Paul J. Hooten, Esquire
Attorney for Plaintiff
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766
Telephone (631) 331-0547